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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,382	11/15/2000	Mark Sheridan Westlake	RCA88859	3486

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,382

Applicant(s)

WESTLAKE, ET AL

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun, (U.S. Pat # 5,973,683).

Considering claim 6, the claimed method for processing program guide information comprising:

‘receiving the EPG from a remote source’ is met by Cragun, col. 10, lines 1-40.

‘storing EPG data in memory’ is met by col. 10, lines 22-35 & col 10, lines 61-67, which teaches that the EPG is downloaded into the control unit 54.

As for the additionally claimed feature of ‘obtaining a rating locally for a selected program’, Cragun discloses that a viewer may visualize and alter downloaded EPG data input ratings for a particular TV program, col. 11, lines 18-25. Furthermore, the ratings are with

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respect to a particular program, as shown by the program information in box 63 of Fig. 3, see col. 11, lines 22-26, and thus reads on 'associating the rating with the selected program.

Considering claim 7, the rating in Cragun indicates the user preference for the particular program, col. 11, lines 19-25.

Considering claim 8, in Cragun the user rating with respect to a particular program is inherently stored with the instant particular program, along with the EPG data associated with the program.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 & 9-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Graves, (U.S. Pat # 5,410,344).

Considering claim 1, the claimed method of 'controlling a signal processing system comprising receiving a plurality of programs and associated program information from a remote source' reads on the discussion of Graves that a headend 14 transmits a plurality of programs along with content codes to home users; col. 3, lines 12-26; col. 4, lines 52-67; col. 2, lines 12-30 & Fig. 2.

Regarding the claimed feature of 'selecting a first program from the plurality of programs in response to a user input', Graves teaches that the controller 20a selects a particular channel and conveys the program the selected channel to the TV 22a, col. 3, lines 34-50. However, it is not explicitly stated that the channel selected by the controller 20a may be a particular channel chosen by the subscriber. Official Notice is taken that at the time the invention was made, a tuner/STB receiving a channel choice/selection made by a subscriber, and then selecting/tuning to the instant choice made by the subscriber was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Graves in manner that the controller 22a receives a channel input from the subscriber and tunes to the selected channel, at least for the desirable benefit of the enabling the subscriber to choose specific programs/channels of interest, instead of all of the program selections being made from an outside entity.

The feature of 'inputting rating information for the first selected program' is met by col. 6, lines 52-67. In the first input mode, the system gathers the viewer preference data (including rating) for a particular program that has been viewed.

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The feature of 'selecting a second program in response to the input rating information associated program information', reads on col. 2, lines 35-40; col. 4, lines 22-51; col. 5, lines 45-60 & col. 6, lines 1-31.

Considering claims 2 & 10, the rating input in Graves indicates a viewer preference for the selected program, col. 6, lines 52-65.

Considering claims 3 & 11, in Graves the user adjusts a horizontal bar graph, (i.e., a numeric level) in order to rate programs, which represents the rating information comprising a numeric character, (col. 6, lines 65-67 thru col. 7, lines 1-20 & Fig. 5).

Considering claims 4 & 12, the rating information comprising at least an alpha character reads on the series of questions presented to viewer, which when answered by the viewer represents a viewer rating, Fig. 5; Fig. 6; col. 6, lines 60-67 thru col. 7, lines 1-20.

Considering claim 5, the feature of 'storing rating information in memory' reads on col. 7, lines 37-45, which discloses that the user preference file 32a is updated, wherein the preference file 32a is already stored in the controller 20a, Fig. 2; col. 4, lines 40-51; col. 5, lines 44-67 & col. 7, lines 38-51.

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Considering claim 9, the claimed apparatus for suggesting a program for viewing comprising:

‘means for receiving a plurality of programs from a remote source...’ is met by the controller 20a, which includes a set top box 26a for receiving TV programs and content header data, (col. 3, lines 18-45 & col. 4, lines 18-66.

Regarding the claimed feature of ‘means for selecting a first program from the plurality of programs in response to a user input’, Graves teaches that the controller 20a selects a particular channel and conveys the program the selected channel to the TV 22a, col. 3, lines 34-50. However, it is not explicitly stated that the channel selected by the controller 20a may be a particular channel chosen by the subscriber. Official Notice is taken that at the time the invention was made, a tuner/STB receiving a channel choice/selection made by a subscriber, and then selecting/tuning to the instant choice made by the subscriber was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Graves in manner that the controller 22a receives a channel input from the subscriber and tunes to the selected channel, at least for the desirable benefit of the enabling the subscriber to choose specific programs/channels of interest, instead of all of the program selections being made from an outside entity.

‘means for inputting rating information locally for the first program’ is met the first controller 20a, which receives the viewer responses to a particular program, col. 6, lines 54-67.

‘means for selecting a second program based on the user input rating the first program’ also reads on the operation of the controller 20a, which screens incoming programs and selects

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those that would most likely to be of interest to the viewer based upon the viewers personal preferences, col. 3, lines 42-50. Graves teaches that the viewer personal preference file 32a is updated by the rating information input by the viewer, col. 7, lines 36-45.

Considering claim 13, in Graves the rating information is input locally, which reads on the claimed subject matter, col. 6, lines 52-68.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Amano Teaches generating a list of programs based upon viewers habits.
- B) Strubbe Teaches providing the subscriber with the opportunity of recording whether a program of interest is liked or disliked.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER